

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 89915

Konstantinos Axiotis
Charlotte Axiotis

1918 Towson Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 30, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1, 1B01.1, 500.7, 500.9, 402: operating an illegal multi-dwelling unit in a DR 16 zone. Failure to obey a Zoning Commissioner's ruling disallowing an appointment in an area less than 9200 sq. ft. This dwelling is 3725 sq. ft. on residential property.

On March 16, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector David Gaine issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$20,000.00 (twenty thousand dollars).

The following persons appeared for the Hearing and testified: Konstantinos and Charlotte Axiotis, John Sarikas, friend of respondents and, David Gaine, Baltimore County Code Enforcement Officer.

Testimony was presented that there is a history at this property of non-compliance with the County rental registration regulations. The Respondent was told that if a kitchen was added to the downstairs basement of the premises he could be registered lawfully to have tenants. He ultimately did so and was issued a rental registration by the County. Unfortunately, a previous Zoning Commissioner's Order had granted relief to the Respondent on the condition that NO kitchen was to be

installed in the basement. Therefore, the rental registration that was granted was made possible by the Respondent making alterations to the subject premises in violation of a Commissioner's Order!

The Respondent admitted that he had installed the oven after speaking with the Inspector, in order to obtain rental registration compliance. The Inspector had no way of knowing of the prior Zoning Order. The Respondent however did. He testified that the kitchen will be removed and the basement turned into storage space. He will also take steps to terminate the rental registration immediately.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the \$5,000.00 civil penalty be suspended.

IT IS FURTHER ORDERED that the \$5,000.00 will be imposed if the property is not brought into compliance by removing the kitchen in the basement and rescinding the rental registration with Baltimore County by July 1, 2011.

IT IS FURTHER ORDERED that the remaining \$5,000.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of April 2011

Signed: ORIGINAL SIGNED
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

LMS/jaf